

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, May 6, 2013 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL - CITY CLERK**
- 3. INVOCATION AND PLEDGE TO THE FLAG:**
 - A. Invocation Presented by Commissioner Schleicher – Temple Shalom of Deltona, 1785 Elkcarn Blvd, Deltona, FL.**
- 4. APPROVAL OF MINUTES & AGENDA:**
 - A. Approval of Minutes - Regular City Commission Meeting of April 15, 2013.**

After discussion, the Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of April 15, 2013 as presented.
 - B. Additions or Deletions to Agenda.**

Mayor Masiarczyk stated that Volusia Council Woman Pat Northey sent an email requesting Deltona to send a City Commission letter of endorsement to Governor Scott supporting Rails to Trails funding.

Mayor Masiarczyk stated that there is an Add-on agenda item under Awards & Recognition recognizing Police Week.
- 5. PRESENTATIONS/AWARDS/REPORTS:**
 - A. Presentation – Super Star Student of the Month Certificates for April, 2013.**
 - B. Proclamation – Emergency Medical Services Week May 19-25, 2013.**

E. Proclamation – Police Week May 12 - May 18, 2013.

C. Proclamation – Municipal Clerk Week May 5-11, 2013.

D. Presentation - Advisory Boards/Committees Quarterly Reports.

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

***A. Request for approval to award Bid #PW13-07, Holston Drive Drainage Improvements.**

Public Works solicited bids for the Holston Drive Drainage Improvements project. This project includes stormwater improvements for the Holston Drive and Bannock Terrace roadways. Heavy rains in the past have caused this area to flood the nearby roadways. In prior years, Public Works has had to provide portable pumps at this location to pump the water away from the area. Improvements are needed to alleviate localized flooding, minimize the interruption of traffic flow and maximize the impact of public safety. The project will remove the existing gravity storm sewer and catch basins and provide new storm drainage pipe, a french drain and 6 new storm drainage structures. The project is in the 2012/2013 CIP budget and is being funded with stormwater utility funds. The project will be completed this budget year.

The bid was solicited on Demandstar and was sent to 1,002 contractors. There were 45 planholders for this bid with the following 6 responsive bids being received:

- 1. Barracuda Building Corp.: \$70,121.00*
- 2. Conpilog Construction.: \$74,199.10*
- 3. Sun Road: \$80,269.80*
- 4. Hazen Construction: \$88,777.00*
- 5. Crossroads Site Development: \$95,379.00*
- 6. Ovantion Construction: \$97,549.09*

The low bidder, Barracuda Building Corporation, has the required license

for this project which was verified through the Department of Business and Professional Regulation.

Approved by Consent Agenda - to award Bid #PW-13-07 for the Holston Drive Drainage Improvements Project to Barracuda Building Corporation at a total cost of \$70,121.00.

***B. Request for approval to award Bid #PW13-10, Deltona Lakes Water Reclamation Facility Electrical Upgrades.**

Public Works solicited bids for the Deltona Lakes Water Reclamation Facility Electrical Upgrades. The existing motor control center and electrical panels, located at the wastewater treatment facility, are aged and outdated. The existing equipment is also becoming obsolete and parts are becoming more and more difficult to obtain, resulting in the need for an upgrade. New electrical equipment would ensure safety and provide a reliable source of operation for the wastewater treatment facility. The project will remove the existing electrical components and replace them with a new electrical panel and upgraded enhancements from its current configuration. The project is in the 2012/2013 CIP budget and is being funded from the Water/Sewer Utility fund.

The bid was solicited on Demandstar and was sent to 682 contractors. There were 31 planholders for this bid with the following 2 responsive bids being received:

- 1. Chinchor Electric, Inc.: \$61,720.00*
- 2. Electric Services, Inc.: \$115,000.00*

The low bidder, Chinchor Electric, Inc., has the required license for this project which was verified through the Department of Business and Professional Regulation. Chinchor is a local company, with whom the City has had succesful projects in the past.

Approved by Consent Agenda - to award Bid #PW-13-10 for the Deltona Lakes Water Reclamation Facility Electrical Upgrades to Barracuda Building Corporation at a total cost of \$61,720.00.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 04-2013, amending Chapter 86, Concurrency Management, of the City's Code of Ordinances, at first reading and to schedule second and final reading.

Changes to growth management law within Section 163.3180, Florida

Statutes, under House Bill 7207, have eliminated many concurrency requirements. The public facilities and services subject to concurrency requirements on a State-wide basis are for sanitary sewer, solid waste, drainage, and potable water. Parks and recreation, schools, and transportation facilities are no longer applicable to the State's concurrency requirement. However, any local government may extend the concurrency requirements to include additional public facilities within a jurisdiction. The purpose of this ordinance is to reflect how the City of Deltona manages concurrency and to update the existing City concurrency management system to be consistent with the changes to State growth management law.

After discussion, the Commission voted unanimously to approve Ordinance No. 04-2013 that amends Chapter 86, Concurrency Management, of the City's Code of Ordinances, to reflect how the City manages concurrency and to be consistent with changes to Section 163.3180, of the Florida Statutes.

- B. Public Hearing – Ordinance No. 09-2013, rezoning of a +/- 52 acre site from Volusia County Agriculture (A-1) and Resource Corridor (RC) (Retained from the County when the property was annexed into the City.) to Industrial Planned Unit Development (IPUD). The applicant is the City of Deltona Public Works Department, at first reading and to schedule second and final reading.**

The City of Deltona Public Works Department has submitted an administrative application to amend the City's Official Zoning Map by changing the zoning designation on a City-owned parcel totaling ±52 acres from the Volusia County zoning classifications of Prime Agriculture (A-1) and Resource Corridor (RC) to the City's Industrial Planned Unit Development (IPUD). Although the site was annexed into the City, the A-1 and RC zoning categories were retained from the County as holding designations until a specific use was applied for within the City.

The IPUD rezoning entitles the property to develop and operate the Eastern Water Reclamation Facility, which has a major two-fold benefit for the City - it creates much needed sanitary sewer capacity for use throughout the City and creates capacity at the existing Fisher Plant that is the City's only other treatment facility and is nearing regulatory capacity. This action makes the City more sustainable for the future, as is needed, provides for economic development to continue, keeps the City within regulatory parameters that it is required to operate within, and provides for more responsible water use on a regional and local level.

The IPUD rezoning request is consistent with the Osteen Joint Planning Agreement and the City Osteen Local Plan, which requires that new development be processed as a Planned Unit Development (PUD). The PUD rezoning actions are associated with a development/developer's

agreement (DA) and the DA establishes land use controls and development rights for the site (i.e. landscaping buffers, parking, environmental protection, etc. The DA, staff report, and related exhibits provide an in depth analysis of the IPUD rezoning request. Finally, a final site plan for the proposed use is being reviewed separately from this application and will come to the City Commission as such.

After discussion, the Commission voted unanimously to approve Ordinance No. 09-2013, a rezoning of City-owned property, located at 301 11th Avenue, from zoning classifications of Volusia County's Prime Agriculture (A-1) and Resource Corridor (RC) to Deltona's Industrial Planned Unit Development (IPUD).

C. Public Hearing – Ordinance No. 10-2013, amendment to the Bella Vista Business Planned Unit Development (BPUD) Development Agreement, at first reading and to schedule second and final reading.

In 2008, the City of Deltona adopted Ordinance No. 11-2008 that approved a Business Planned Unit Development (BPUD) for the subject site. The BPUD includes a Development Agreement that was specific to a development program at that time for a real estate market different from today. The development program includes great detail on outparcels anchored by a large retail center, which may or may not occur today. Unfortunately, the Development Agreement does not include flexibility to adjust to the current real estate market, has a very limited list of permitted and conditional land uses, obligates the City of Deltona to become party to the private internal roadway network and issue transportation impact fee credits, which it cannot do, and has internally inconsistent language.

The Planning and Zoning Board Staff Report include a request from the applicant, DeBary Holdings, LLC, to amend the approved BPUD to achieve the following:

- 1. Include a flexible development program;*
- 2. Expand the list of permitted and conditional uses to allow for a greater range of land uses that can be developed;*
- 3. Removes onerous obligations by the City to become a party to a property owners association (POA) or take possession of internal driveways or common areas;*
- 4. Honors compatibility with adjacent land uses and treats the site as a master development project;*
- 5. Does not alter the parent tract or legal description;*
- 6. Removes the Cross Access Easement exhibit based on the former development program and associated outdated cost estimate. A new easement will be recorded as a separate instrument when established;*

7. *Keeps the approved Master Development Plan, which will be updated concurrently, as Final Site Plan applications are submitted;*
8. *Keeps the architectural elevations exhibits for principal buildings as a reference for a typical elevation in keeping with the recommended design standards of the City;*
9. *Respects recent changes to the City's Code of Ordinances for signage, landscape buffers, etc.; and*
10. *Continues with obligations from the existing Development Agreement to provide a cross access easement to adjacent property to the east.*

Based on the above, staff requests that the City Commission approve Ordinance No. 10-2013 to amend the existing Development Agreement to make for an internally consistent document and allow for a project to be developed that is physically feasible and legally permissible. The proposed Development Agreement is a compilation of numerous drafts as reviewed by City staff and in agreement with the applicant.

After discussion, the Commission voted unanimously to approve Ordinance No. 10-2013, to amend the Bella Vista Business Planned Unit Development (BPUD) Development Agreement, as provided, at first reading.

D. Public Hearing – Resolution No. 2013-11, revising water, sanitary sewer (“wastewater”), irrigation, volumetric effluent (“reclaimed water”) based facility and usage charges and annual fire line charges.

Resolution No. 2008-56 was adopted on November 4, 2008, initially providing for the adoption of a new Water and Wastewater system rate schedule as a result of an extensive utility rate study conducted by Burton & Associates. Then on October 1, 2012 the Commission adopted Resolution No. 2012-33, freezing the water and sewer rate increase that would otherwise have taken place on October 1, 2012.

The City Commission took further action on October 24, 2012 by temporarily reducing the residential sewer base rate by \$25 effective with bills dated on or after January 1, 2013 and recommending that a new rate study be conducted.

Burton & Associates conducted an analysis of the current rate structure and proposed several options to the City Commission through presentations at the Commission meetings. On March 18, 2013 the City Commission provided direction to staff to move forward with the implementation of the new rate structure in FY 2013 and the rate structure going up 2.5% for FY 2014 and as stated in the report for the following years.

Based on this direction, staff has provided Resolution No. 2013-11 for consideration to adopt such structure and increases.

After discussion, the Commission voted 5 to 2 (Vice Mayor Denizac and Commissioner Barnaby voted against the motion) to approve Resolution No. 2013-11.

9. OLD BUSINESS:

10. NEW BUSINESS:

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.